

REMARKS

In the Office Action mailed March 30, 2003, the Examiner rejected claims 1 to 11. The rejections are respectfully traversed. This Response "A" cancels no claims, amends claim 1, and adds new claims 12 to 14. Accordingly, claims 1 to 14 are now pending in this application.

Claims 1 to 7, 10, and 11 were rejected under 35 U.S.C. 103(a) as unpatentable over Berlit (EP 65108 A1) in view of Guarriello (US 3,785,088). The examiner stated that "Berlit is silent on the intermediate support area (Berlit #21) having a wave shape at least at one of the first and second ends" and "Guarriello teaches a plant pot container with an intermediate support area having a wave shape (Guarriello #18). The examiner also stated that "it would have been obvious to one of ordinary skill in the art to modify the teachings at the time of the invention since the modification is merely an aesthetic design feature to enhance consumer appeal or the artistic design of the container and does not present a patentably distinct invention."

Berlit discloses a deep-drawn plant pot having the preferred Z-form for stapling the ledges (22, 24) and the intermediate support area (21), wherein the ledges overlap in a plan view. It is well known that this geometry has relatively high stiffness in a vertical direction, which is preferred for stapling. It is also well known that this geometry has relatively high stiffness in a radial direction, which is not desired because it leads to problems in getting the pot out of the form after deep drawing due to the undercut.

Guarriello discloses an injected-molded pot. It is well known that plant pots having ribs like reinforcing ribs 18 cannot be formed by deep drawing. The reinforcing ribs 18 have a stiffening function to bias the annular bead 16. The reinforcing ribs do not have a wave shape and do not provide a stretching or yielding function to obtain deformation which aids in removing the pot from the form. Accordingly, those skilled in the art would not modify Berlit with the reinforcing ribs of Guarriello because the modified pot could not be manufactured by deep drawing. Even if Berlit was modified in this manner, the modified pot would not provide the present invention as defined by amended claim 1 because the container would not be a deep-drawn container and the intermediate support area would not have a wave shape. Additionally,

the reinforcing ribs would not solve the problem of getting the pot out of the form after deep drawing. Thus Guarriello does not disclose or suggest the present invention or elements missing from Berlit.

It was the inventive insight of the present applicant to find a solution to the problem of difficult removal the container out of the form after deep drawing. The present applicant solved this problem by providing an intermediate support area with a wave shape that provides a yield function to improve removability of the pot from the deep drawing form. The disclosed wave shape softens the cross-sectional stiffness, that is the stiffness in directions generally perpendicular to the longitudinal axis of the pot, so that the pot resiliently yields or deforms similar to that of a pleat skirt. The wave shape does not soften the stiffness in the direction of the longitudinal axis. This resilient deformation in the horizontal direction permits the pot to be more easily removed from the form after deep drawing while maintaining the desired stiffness in the vertical direction.

Independent claim 1, and claims dependent therefrom, are allowable because they each require “wherein the intermediate support area (9) has a wave shape at least at one of the first and second ends which softens a cross-sectional stiffness of the rim area for improved removal from a deep drawing mold.” Support is found in the specification at least in paragraph 0021. No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. Reconsideration and withdrawal of the rejection is requested.

Claim 9 was rejected under 35 U.S.C. 103(a) as unpatentable over Berlit (EP 65108 A1) in view of Guarriello (US 3,785,088) and further in view of Pearce-Smith (GB 859,964).

Claims 9 is allowable as depending from allowable independent claim 1 as discussed above and are also independently allowable for novel and nonobvious matter contained therein. Pearce-Smith discloses a rim 4 (figures 1 to 4) and a ring 12 (figure 6) which must be formed by injection molding. The ring is designed to avoid jamming. Accordingly, ring 12 is comparable to the entire rim area of the present invention including the first ledge, the second ledge, and the support area. Thus Pearce-Smith does not disclose or suggest elements missing from Berlit and

Guarriello or the present invention. Reconsideration and withdrawal of the rejection is requested.

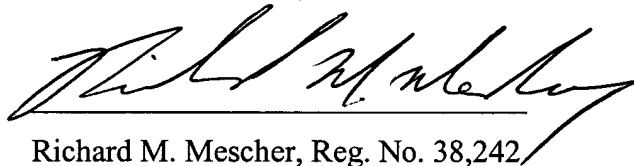
New claims 12 to 14 have been added to further define the present invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

PORTER, WRIGHT, MORRIS & ARTHUR LLP

A handwritten signature in dark ink, appearing to read "Richard M. Mescher", is written over a horizontal line.

Richard M. Mescher, Reg. No. 38,242

Porter, Wright, Morris & Arthur
41 South High Street
Columbus, OH 43215-6194

June 25, 2004